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NEW DELHI, THURSDAY, MARCH 27, 1980/CHAITRA 7, 1902

इस भाग में भिन्न पृष्ठ संलग्न वी जाती हैं जिससे कि वह अलग संकलन के साथ में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 27th March, 1980:—

BILL No. 75 OF 1980

A Bill further to amend the Inter-State Water Disputes Act, 1956.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

23 of 1956.

1. This Act may be called the Inter-State Water Disputes (Amendment) Act, 1980. Short title.

2. In the Inter-State Water Disputes Act, 1956 (hereinafter referred to as the principal Act), after section 6, the following section shall be inserted, namely:—

“6A. (1) Without prejudice to the provisions of section 6, the Central Government may, by notification in the Official Gazette, frame a scheme or schemes whereby provision may be made for all matters necessary to give effect to the decision of a Tribunal.

(2) A scheme framed under sub-section (1) may provide for—

(a) the establishment of any authority (whether described as such or as a committee or other body) for the implementation of the decision or directions of the Tribunal;

(b) the composition, jurisdiction, powers and functions of the authority, the term of office and other conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, the members of the authority;

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(c) the holding of a minimum number of meetings of the authority every year, the quorum for such meetings and the procedure thereat;

(d) the appointment of any standing, *ad hoc* or other committees by the authority;

(e) the employment of a Secretary and other staff by the authority, the pay and allowances and other conditions of service of such staff;

(f) the constitution of a fund by the authority, the amounts that may be credited to such fund and the expenses to which the fund may be applied;

(g) the form and the manner in which accounts shall be kept by the authority;

(h) the submission of an annual report by the authority of its activities;

(i) the decisions of the authority which shall be subject to review;

(j) the constitution of a committee for making such review and the procedure to be followed by such committee; and

(k) any other matter which may be necessary or proper for the effective implementation of the decision or directions of the Tribunal.

(3) In making provision in any scheme framed under sub-section (1) for the establishment of an authority for giving effect to the decision of a Tribunal, the Central Government may, having regard to the nature of the jurisdiction, powers and functions required to be vested in such authority in accordance with such decision and all other relevant circumstances, declare in the said scheme that such authority shall, under the name specified in the said scheme, have capacity to acquire, hold and dispose of property, enter into contracts, sue and be sued and do all such acts as may be necessary for the proper exercise and discharge of its jurisdiction, powers and functions.

(4) A scheme may empower the authority to make, with the previous approval of the Central Government, regulations for giving effect to the purposes of the scheme.

(5) The Central Government may, by notification in the Official Gazette, add to, amend, or vary, any scheme framed under sub-section (1).

(6) Every scheme framed under this section shall have effect notwithstanding anything contained in any law for the time being in force (other than this Act) or any instrument having effect by virtue of any law other than this Act.

(7) Every scheme and every regulation made under a scheme shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree-

in making any modification in the scheme or the regulation or both Houses agree that the scheme or the regulation should not be made, the scheme or the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme or regulation.”.

3. In section 13 of the principal Act, in sub-section (3), for the words “which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following”, the words “which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

Amend-
ment of
section
13.

STATEMENT OF OBJECTS AND REASONS

The Inter-State Water Disputes Act, 1956, provides for the constitution of Tribunals for the adjudication of disputes relating to waters of inter-State rivers and river valleys. Section 6 of the Act provides that the decision of a Tribunal shall be final and binding on the parties to the dispute and shall be given effect to by them.

2. The decision of the Narmada Water Disputes Tribunal constituted by the Central Government under the said Act for the adjudication of the water dispute relating to the river Narmada and the river valley thereof has revealed that the implementation of the decision of a Tribunal under the Act may involve the setting up of a machinery for the purpose. The decision of the Narmada Water Disputes Tribunal envisages *inter alia* the setting up of an inter-State administrative authority, to be called the "Narmada Control Authority", for the purpose of securing compliance with the decision and for the constitution of a Review Committee with powers to review decisions of the said Authority with respect to certain matters. For the effective functioning of the said Narmada Control Authority, it would be necessary to ensure that it can function as a distinct legal entity.

3. It is, therefore, proposed to amend the Act to include therein suitable provisions to enable the Central Government to frame a scheme or schemes to make provisions for all matters necessary to give effect to the decision of a Tribunal constituted under the Act.

4. It is also proposed to amend section 13 of the Act to change the provision therein as to laying of rules so as to bring it into conformity with the standard provision as recommended by the Committees on Subordinate Legislation.

5. The Bill seeks to achieve the above objects.

NEW DELHI;

The 20th March, 1980.

A. B. A. GHANI KHAN CHAUDHURY:

FINANCIAL MEMORANDUM

Sub-section (1) of new section 6A which clause 2 of the Bill seeks to insert in the Inter-State Water Disputes Act, 1956, is for empowering the Central Government to frame a scheme or schemes whereby provision may be made for all matters necessary to give effect to the decision of a Tribunal under the Act. Such provisions would include the setting up of an authority or a committee, the employment of a Secretary and other staff by such authority, etc. The intention is that all the expenses involved in the implementation of the decision of a Tribunal under the Act should be borne by the State Governments who have to give effect to such decision under section 6 of the Act. However, as in the case of the Review Committee recommended by the Narmada Water Disputes Tribunal, some of the Union Ministers and some of the officers of the Central Government would be associated with the implementation of the decision of the Tribunal under the Act and such persons may be members of the authorities or other committees constituted under sub-section (1) of the said new section 6A. The expenditure on the travelling and daily allowances of such Union Ministers and officers of the Central Government will be borne by the Central Government from out of the Consolidated Fund of India. It is not possible to precisely estimate the expenditure that will be incurred on this account as that will depend on the number of such Ministers and officers who will be associated and the number of occasions and the periods of time for which they may be so associated. However, it is anticipated that the expenditure on this account which will be of a recurring nature, is not likely to exceed rupees ten thousand per annum. The Bill will not involve any other expenditure of a recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to insert a new section 6A in the Inter-State Water Disputes Act, 1956, so as to enable the Central Government to frame a scheme or schemes whereby provision may be made for all matters necessary to give effect to the decision of a Tribunal constituted under the Act.

2. Sub-section (2) of this new section 6A enumerates the matters in respect of which a scheme may be framed by the Central Government. Such matters, *inter alia*, relate to the establishment of an authority for the implementation of the decision or directions of the Tribunal, the composition, jurisdiction, powers and functions of such authority, the holding of a minimum number of meetings of the authority every year, the quorum for such meetings, the employment of a Secretary and other staff by the authority, the pay and allowances and other conditions of service of such staff and other necessary and incidental matters. Sub-section (3) of the new section 6A seeks to empower the Central Government to make provisions in a scheme framed under sub-section (1) of that section for empowering an authority established under the scheme to have, under the name of that authority as specified in the scheme, capacity to acquire, hold and dispose of property, enter into contracts, sue and be sued and do all such acts as may be necessary for the proper exercise and discharge of its jurisdiction, powers and functions. Sub-section (4) of the new section 6A empowers an authority established under a scheme framed under sub-section (1) of that section to make, with the previous approval of the Central Government, regulations for giving effect to the purposes of that scheme.

3. The matters referred to in sub-section (2) of the new section 6A and the matters in respect of which regulations may be made under sub-section (4) of the said new section 6A are matters of procedure or detail. The delegation of legislative power under these provisions is thus of a normal character. The conferment, under sub-section (3) of the new section 6A, of the capacity to acquire, hold and dispose of property, enter into contracts, etc., on an authority established under a scheme framed under sub-section (1) is necessary for the effective functioning of such authority. The guidelines which have to be borne in mind by the Central Government before conferring such authority have been spelt out in the said sub-section (3) and the Central Government will have to, in conferring any such capacity on an authority, take into account the jurisdiction, powers and functions required to be vested in such authority in accordance with the decision of the Tribunal concerned. In the circumstances, the delegation of legislative power under sub-section (3) is also of a normal character.

4. It may also be mentioned that sub-section (7) of the new section 6A provides for the laying of the schemes and regulations framed under the said section before Parliament for scrutiny.

AVTAR SINGH RIKHY,
Secretary.